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9 **BEFORE THE**  
**PHYSICAL THERAPY BOARD OF CALIFORNIA**  
**DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 1D-2006-64765

12 MARK MAYNER, PT  
923 W. Lawrence Street  
13 Mishawaka, IN 46545

**DEFAULT DECISION**  
**AND ORDER**

14 Physical Therapist License No. PT 24948

[Gov. Code, §11520]

15 Respondent.  
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17 **FINDINGS OF FACT**

18 1. On or about February 1, 2008, Complainant Steven K. Hartzell, in his  
19 official capacity as the Executive Officer of the Physical Therapy Board of California,  
20 Department of Consumer Affairs, filed Accusation No. 1D-2006-64765 against Mark Mayner,  
21 PT (Respondent) before the Physical Therapy Board of California.

22 2. On or about January 28, 2000, the Physical Therapy Board of California  
23 (Board) issued Physical Therapist License No. PT 24948 to Respondent. The license was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,  
25 2009, unless renewed.

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1                   3.       On or about February 1, 2008, Elsa Ybarra, an employee of the  
2 Complainant Agency, served by Certified Mail, a copy of the Accusation No. 1D-2006-64765,  
3 Statement to Respondent, Notice of Defense, Request for Discovery, and Government Code  
4 sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board, which  
5 was and is 923 W. Lawrence Street, Mishawaka, IN 46545. A copy of the Accusation, the  
6 related documents, and Declaration of Service are attached as Exhibit A, and are incorporated  
7 herein by reference.

8                   4.       Service of the Accusation was effective as a matter of law under the  
9 provisions of Government Code section 11505, subdivision (c).

10                  5.       Respondent acknowledged service of the aforementioned documents by  
11 signing and returning the certified mail card on or about February 16, 2008. A copy of the  
12 certified mail card signed by Respondent on February 16, 2008 is attached as Exhibit B, and is  
13 incorporated herein by reference.

14                  6.       Government Code section 11506 states, in pertinent part:

15                       "(c) The respondent shall be entitled to a hearing on the merits if the respondent  
16 files a notice of defense, and the notice shall be deemed a specific denial of all parts of the  
17 accusation not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
18 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

19                  7.       Respondent failed to file a Notice of Defense within 15 days after service  
20 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
21 Accusation No. 1D-2006-64765.

22                  8.       California Government Code section 11520 states, in pertinent part:

23                       "(a) If the respondent either fails to file a notice of defense or to appear at the  
24 hearing, the agency may take action based upon the respondent's express admissions or  
25 upon other evidence and affidavits may be used as evidence without any notice to  
26 respondent."

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1                   9.       Pursuant to its authority under Government Code section 11520, the Board  
2 finds Respondent is in default. The Board will take action without further hearing and, based on  
3 Respondent's express admissions by way of default and the evidence before it, contained in  
4 exhibits A, B and C finds that the allegations in Accusation No. 1D-2006-64765 are true.

5                                   **DETERMINATION OF ISSUES**

6                   1.       Based on the foregoing findings of fact, Respondent Mark Mayner, P.T.  
7 has subjected his Physical Therapist License No. PT 24948 to discipline.

8                   2.       A copy of the Accusation and the related documents and Declaration of  
9 Service are attached.

10                  3.       The agency has jurisdiction to adjudicate this case by default.

11                  4.       The Physical Therapy Board of California is authorized to revoke  
12 Respondent's Physical Therapist License based upon the following violations of the Business and  
13 Professions Code as alleged in the Accusation:

- 14                   a.       Conviction of a Crime (§§ 2660(d), 2661; Cal. Code Regs., tit. 16,  
15                               § 1399.20);
- 16                   b.       Out-of-State Discipline (§§ 141, 2305, 2660(i));
- 17                   c.       Failure to Disclose Criminal History (§ 2684(b)); and
- 18                   d.       Dishonesty (§ 2660(l)).

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1 **ORDER**

2 IT IS SO ORDERED that Physical Therapist License No. PT 24948, heretofore  
3 issued to Respondent Mark Mayner, PT, is revoked.

4 Pursuant to Government Code section 11520, subdivision (c), Respondent may  
5 serve a written motion requesting that the Decision be vacated and stating the grounds relied on  
6 within seven (7) days after service of the Decision on Respondent. The agency in its discretion  
7 may vacate the Decision and grant a hearing on a showing of good cause, as defined in the  
8 statute.

9 This Decision shall become effective on January 19, 2008.

10 It is so ORDERED December 18, 2008

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13 Original Signed By:  
14 NANCY KRUEGER  
15 PRESIDENT  
16 FOR THE PHYSICAL THERAPY BOARD OF  
17 CALIFORNIA  
18 DEPARTMENT OF CONSUMER AFFAIRS

19 30579426.wpd  
20 DOJ Matter ID: SA2007304220

21 **Attachments:**

22 Exhibit A: Accusation No.1D-2006-64765, Related Documents, and Declaration of Service  
23 Exhibit B: Copy of Envelope Returned by Post Office  
24 Exhibit C: Copy of Decision on License Application, Indiana Physical Therapy Committee  
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Exhibit A

Accusation No. 1D-2006-64765,  
Related Documents and Declaration of Service

Exhibit B

Copy of Envelope Returned by Post Office

Exhibit C

**Copy of Decision on License Application, Indiana Physical Therapy  
Committee**